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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,033	02/21/2002	David S. Vander Kooi		9566

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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,033

Applicant(s)

VANDER KOOI ET AL.

Examiner

Laura B Rosenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment received on 01 March 2004, in which claim 1 was amended and claims 6 and 7 were canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Raidel (4,802,690). In regards to claim 1, Raidel discloses an axle suspension system (#200; best seen in figures 8-12) for a load-bearing vehicle including first and second longitudinally extending frame members (#202, 204) having rearward (to the right in figure 8) and forward (to the left in figure 8) ends, comprising first and second mounting brackets (#212) secured to the first and second frame members and extending downwardly from the first and second frame members (best seen in figure 10), first and second lower control arms (#292) having forward (to the left in figure 10) and rearward (to the right in figure 10) ends, pivotally secured at the forward ends to the first and second mounting brackets (via #294, 296) and extending rearwardly therefrom, first and second axle supports (including #274) positioned rearwardly of the first and second mounting brackets, the rearward ends of the first and second lower control arms being pivotally secured to the first and second axle supports (via #298, 300), an axle (#210)

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and wheel (not shown) assembly operatively secured to the first and second axle supports, first and second air springs (#302) operatively secured to the axle and wheel assembly, and a stabilizer bar assembly (including #282, 310) including an elongated generally transversely extending base portion (including #310) having first and second generally forwardly extending end portions (#282) at opposite ends thereof, the end portion having forward ends (near #284, 286), the first and second forwardly extending end portions (#282) of the stabilizer bar assembly being pivotally connected at their forward ends (via #284, 286) to the first and second mounting brackets above the first and second lower control arms (best seen in figure 10), and the base portion (including #310) of the stabilizer bar assembly being pivotally connected to the first and second axle supports (via #306-308, 312, 316; column 6, lines 3-7) above the first and second lower control arms (best seen in figure 12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson (3,653,683) in view of Stuart (5,678,845). In regards to claims 1-3, Hendrickson discloses an axle suspension system (#15) for a load-bearing vehicle including first and second longitudinally extending frame members (#11) having

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rearward (to the right in figure 1) and forward (to the left in figure 1) ends, comprising first and second mounting brackets (#16) secured to the first and second frame members and extending downwardly from the first and second frame members (best seen in figure 1), first and second lower control arms (#21) having forward (to the left in figure 1) and rearward (to the right in figure 1) ends, pivotally secured at the forward ends to the first and second mounting brackets (via #18, 20) and extending rearwardly therefrom, first and second axle supports (#24) positioned rearwardly of the first and second mounting brackets, the rearward ends of the first and second lower control arms being pivotally secured to the first and second axle supports (via #22, 23), an axle (#25) and wheel (#26) assembly operatively secured to the first and second axle supports, and first and second air springs (#27) operatively secured to the axle and wheel assembly (best seen in figure 1). Hendrickson does not disclose a stabilizer bar assembly. Stuart teaches an axle suspension system for a load-bearing vehicle including first and second longitudinally extending frame members (#15) having rearward (right side in figure 2) and forward (left side in figure 2) ends comprising first and second mounting brackets (#17) secured to and extending downwardly from the first and second frame members, respectively, and first and second axle supports (#23) positioned rearwardly of the first and second mounting brackets, respectively. An axle (#19) and wheel (not shown) assembly is operatively secured to the first and second axle supports (best seen in figure 2), and first and second air springs (#33) are operatively secured to the axle and wheel assembly (best seen in figure 2). The axle suspension system further comprises a stabilizer bar assembly (#11, 41) including an

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elongated, generally transversely extending base portion (#45) having first and second generally forwardly extending end portions (#43) at opposite ends thereof, the end portions having forward ends (#49). The first and second forwardly extending end portions (#43) of the stabilizer bar assembly are pivotally connected (via #47, 55, 57; best seen in figure 3) at their forward ends (#49) to the first and second mounting brackets (#17), respectively. The base portion (#45) of the stabilizer bar assembly is pivotally connected, via resilient bushings (#63, 65) to the first and second axle supports (column 3, lines 35-39). Further, the first and second forwardly extending end portions (#43) of the stabilizer bar assembly each extend outwardly from the axle support (#23), thence forwardly, thence inwardly and forwardly, and thence forwardly towards the mounting bracket (#17). It would have been obvious to one skilled in the art at the time that the invention was made to modify the axle suspension system Hendrickson such that it comprised a stabilizer bar as claimed in view of the teachings of Stuart so as to provide roll stability without increasing the vertical rate of the suspension system when both wheels of the axle move simultaneously with respect to the vehicle frame (Stuart: column 2, lines 4-8).

Allowable Subject Matter

6. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the allowable subject matter in claims 4 and 5 is the configuration of the base portion of the stabilizer bar assembly in between the pivotal connections with the axle supports. The Paul reference (US 4,146,249) discloses a base portion of a stabilizer bar assembly extending inwardly and forwardly from a pivotal connection on one side of the vehicle, thence inwardly, thence outwardly and rearwardly to a pivotal connection on the other side of the vehicle. However, Paul does not disclose this configuration of the base portion being in between pivotal connections with the axle supports.

Response to Arguments

8. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Allen and Pierce disclose a stabilizer bar with left and right arms and a transverse portion and left and right control arms.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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